

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CURTIS EDWARD JACKSON \$
VS. \$ CIVIL ACTION NO. 1:05cv251
TOM MANES \$

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Curtis Edward Jackson, an inmate at the Gist State Jail, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against Tom Manes.

The court heretofore referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as frivolous and for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

On April 15, 2005, plaintiff filed a motion to dismiss the above-styled action. Plaintiff is entitled to dismiss the case prior to the service of any adverse parties. Fed. R. Civ. P.

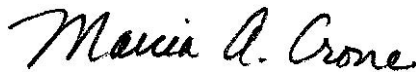
41(a)(1). As the defendants have not been served, plaintiff's motion should be granted and the case dismissed without prejudice.

O R D E R

For the reasons set forth above, it is

ORDERED that plaintiff's motion to dismiss this action is **GRANTED**. Accordingly, the Report of the Magistrate Judge is **ADOPTED** to the extent it recommended dismissal. A final judgment will be entered in this case.

SIGNED at Beaumont, Texas, this 29th day of April, 2005.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE